

Arts is greatly inadequate and many young women of Texas are clamoring for admission and Dormitory facilities, and that the administration building is not completed and that no adequate provision is made for the maintenance of the summer session of 1917 at said College, creates an emergency and imperative public necessity, calling for the suspension of the constitutional rule requiring bills to be read on three several days, that said rule be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

TWENTY-SEVENTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, February 13, 1917.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

By unanimous consent the Chair announced that the Senate would stand at ease for fifteen minutes, at the expiration of which time the roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.
Hopkins.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Clark.

Excused.

Senator Johnston of Harris for yesterday on account of important business, on motion of Senator Dean.

See Appendix for brief statement of petitions and memorials.

See Appendix for standing committee reports.

Senate Bill No. 68—House Amendments Concurred In.

By unanimous consent, Senator McNealus called up Senate Bill No. 68, the pipe line bill, and moved to concur in the House amendments to the same, which are as follows:

Amend Senate Bill No. 68 by inserting after the word "hereof" at the end of Section 1 the following: "But the provisions of this Act shall not apply to those pipe lines which are limited in their use to the wells, stations, plants and refineries of the owner and which are not a part of the pipe line transportation system of any common carrier as above defined; nor shall such provisions apply to any property of such a common carrier which is not a part of or necessarily incident to its pipe line transportation system."

The motion to concur prevailed.

Special Committee Appointed.

The Chair announced the appointment of Senators Westbrook, Hall and Robbins as a special committee to investigate the removal of old cannon from the Capitol grounds, as provided by Senate Resolution No. 65, heretofore adopted.

Simple Resolution No. 72.

(By unanimous consent.)

Whereas, Hon. A. B. Davidson, a distinguished citizen of DeWitt County, Texas, ex-Lieutenant Governor and an ex-Senator of this State, is in the city; therefore be it

Resolved, That the privileges and courtesies of the Senate be, and they are hereby, extended him, and also that he be, and he is hereby, invited to address the Senate.

BAILEY.

The resolution was read and adopted.

Bills and Resolutions.

By Senator Johnson of Hall:

S. B. No. 352, A bill to be entitled "An Act to amend Section 2, Chapter 75, Special Laws of the Regular Session of the Thirtieth Legislature of 1907, being an Act to authorize, enable and permit the territory within the boundaries of the town of Estelline, in Hall County, Texas, and other lands and territory adjacent thereto to incorporate as independent school district for free school purposes only, known as Estelline independent school district, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Johnston of Harris:

S. B. No. 353, A bill to be entitled "An Act to amend Title 15, Chapter 1, of the Penal Code of the State of Texas, adopted in 1911, by adding thereto Article 1019a, defining the offense of negligent assault and battery, fixing a penalty therefor, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Buchanan of Scurry.

S. B. No. 354, A bill to be entitled "An Act to create a more efficient road system for Callahan County, making county commissioners ex officio road commissioners, prescribing their powers and duties, and providing their compensation as such road commissioners; providing for the working of county convicts on the public roads and their allowances for service; providing for the offering of rewards for escaped convicts, and for commutation for faithful service; providing for the summoning of road hands, and for the awarding of contracts to construct, grade or otherwise improve roads and bridges; providing that the commissioners' court may lay off each commissioner's precinct into road districts; for the appointment of road overseers, and prescribing for his duties and liabilities; providing for the preservation and care of county property, and fixing a penalty for its removal; fixing penalty for fail-

ure of road hands to answer summons, and relieving them from the performance of such work by the payment of \$3.00. Denouncing as misdemeanors and providing penalties for the offenses of placing loose earth, weeds, sods or other material on dragged roads, or to drive a vehicle thereon before they have dried or frozen, or the placing of obstacles in dragged ditches so as to interfere with the natural flow of water; etc., and declaring an emergency."

Read first time and referred to Committee on Roads, Bridges and Ferries.

By Senators Caldwell and Gibson:

S. B. No. 355, A bill to be entitled "An Act declaring that all bonds issued under and by virtue of the Federal Farm Loan Act approved by the President of the United States July 17, 1916, shall be lawful investment for all fiduciary and trust funds and may be accepted as security for all public deposits where deposits of bonds or mortgages are authorized by law to be accepted; declaring such bonds lawful investment for all funds which may be lawfully invested by guardians, administrators, trustees and receivers, for saving deposits of State Banks, for banks, saving banks, and trust companies chartered under the laws of Texas, for all insurance companies chartered or transacting business under the laws of Texas where investments are required or permitted, and providing that where such bonds are secured by notes or other obligations the payment of which is secured by mortgage, deed of trust or other valid lien upon real estate situated in this State, then that such bond or bonds shall be regarded for investment purposes by insurance companies as Texas securities; and declaring an emergency."

Read first time and referred to Committee on Insurance and Banking.

By Senator Buchanan of Bell:

S. B. No. 356, A bill to be entitled "An Act providing that in the event any owner of real estate is dissatisfied with the valuation placed thereon by the board of equalization of any county, municipality, school district, or any taxing district, such

owner may, if he so desire, offer such property for sale at such price as he may determine is the true market value thereof; that such offer of sale shall be by publication, and providing the manner and length of time of such publication or advertisement; that where more than one tract is contained in such advertisement each tract shall be priced to sell separately; providing that should no sale be made or no bona fide offer of purchase be made at the price mentioned in the advertisement within the period advertised the owner may file with the board of equalization his affidavit setting forth the advertisement and whether a sale of such property has been made or he has received a bona fide offer of purchase at the price advertised: prescribing the form of such affidavit; providing that the board may in its discretion hear evidence upon the affidavit and if not controverted it shall be spread upon the minutes; that where there should be a sale at the price offered in such advertisement, or in event of no bona fide offer of purchase, then the price of sale, or the price contained in such advertisement in event of no bona fide offer of purchase, shall be accepted by such board and so entered on the minutes and lists before such board as the value of such property, repealing all laws and parts of laws in conflict herewith; making it a felony for any person to make a false affidavit hereunder or make a pretended transfer of real estate for the purpose of obtaining the benefits hereof, and prescribing the penalty; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Hudspeth:

S. B. No. 357, A bill to be entitled "An Act to amend Chapter 173 of the Regular Session of the Thirty-third Legislature, approved April 9, 1913, relating to the prospect for and the development of the minerals and other substances in the public land, public islands and public waters and river beds and channels owned by the State, and in the unsold land belonging to the public free school fund, the university fund, and the several asylums fund and in such of said land as has heretofore been sold or may be hereafter sold with the

reservation of the minerals and other substances therein to the fund in which the land belongs; providing the royalty and other sums and compensation to be paid to the State and owners of the surface, and appropriating the proceeds to certain funds; providing for ingress and egress; providing one may pay cash for mineral claims, and obtain patents, and change former claims to rights under this Act; providing for adoption of rules and regulations by the Commissioner of the General Land Office; repealing the remaining portion of this said Chapter 173 which may not be amended and all other statutes in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Hudspeth:

S. B. No. 358, A bill to be entitled "An Act to amend Chapter 83 of the General Laws of the regular Session of the Thirty-second Legislature, said Chapter 83 being 'An Act to amend Section 2 of Chapter 42 of the General Laws of the Thirtieth Legislature, relating to exemptions as affecting employees and ex-employees of common carriers, express, railway, telegraph, news and other companies, persons and corporations, performing service for or in connection with the operation of railways; the State Railroad Commissioners, peace officers and representatives of industrial fairs and farmers' congresses and institutes and farmers' unions; deputy sheriffs, United States marshals and not more than two deputies of each such marshal; chiefs of police and city marshals; eleemosynary and religious societies; volunteer firemen and Confederate veterans; the State Game, Fish and Oyster Commissioner and his two chief deputies; State and county health officers; government representatives accompanying fish for free distribution in the streams of this State; the Dairy and Food Commissioner and two chief deputies; and providing for right of contract between railway companies and editors, proprietors or publishers of newspapers and magazines; persons who have been instrumental in securing the passage by the United States Congress of statutes providing for the equipment of railroad

trains with safety appliances; constables, members of the State militia in uniform when called into service, so as to include among exemptions, the Fire Marshal of the State Fire Insurance Commission and those acting for him while actually engaged in fire prevention work, and all city fire marshals while traveling to and from their State and district conventions, and also the duly appointed and salaried inspectors of the Texas Cattle Raisers' Association and the Panhandle and Southwestern Cattle Raisers' Association, who are also peace officers of the State of Texas, and declaring an emergency."

Read first time and referred to Committee on Internal Improvements.

By Senator Robbins:

S. B. No. 359, A bill to be entitled "An Act to provide for the holding of an election to determine whether hogs, sheep or goats may run at large in the counties of Henderson and Anderson, of this State, during only those months of each year designated in the petition; providing that elections may be held therein, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Smith:

S. B. No. 360, A bill to be entitled "An Act to amend the charter of the City of Longview, entitled 'An Act to incorporate the City of Longview and to grant it a new charter; to define its powers and to prescribe its duties and liabilities and to declare an emergency,' as passed by the first Called Session of the Thirty-second Legislature of Texas, by amending Sections 8, 9 and 72 of the charter of the City of Longview and by adding thereto Section 9a, repealing certain laws and providing for the appointment of a city treasurer, fixing his salary and prescribing his powers and duties, and fixing his term of office, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Johnston of Harris:

S. B. No. 361, A bill to be entitled "An Act to provide for the erection of a monument to Lawrence Sullivan

Ross on the campus of the Agricultural and Mechanical College; to make an appropriation therefor and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Bee:

S. B. No. 362, A bill to be entitled "An Act providing the period in which acknowledgements to deeds shall be held to be properly recorded, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bee:

S. B. No. 363, A bill to be entitled "An Act to prescribe the time of holding the terms of the district court in the various counties, comprising the Thirty-eighth Judicial District of the State of Texas, and to repeal all laws in conflict therewith, and declaring an emergency."

Read first time and referred to the Committee on Judicial Districts.

By Senator Harley:

S. B. No. 364, A bill to be entitled "An Act to amend Title 53, Chapter 2, of the Revised Civil Statutes of 1911, by adding after Article 3651, a new article to be known hereafter as Article 3651a."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Buchanan of Bell:

S. B. No. 365, A bill to be entitled "An Act to create a Commission for the Study of Epilepsy, consisting of three members, to have offices at the Capitol, whose objects and purposes shall be to study, investigate and by experiments, treatments and other methods discover the best means and methods by which the cause, the cure and prevention of epilepsy may be ascertained and accomplished; providing that said commission shall consist of three doctors of medicine, and prescribing their qualifications, duties and compensation; providing that said commission shall meet once a month for the purpose of consultation and consideration of the work of the commission, etc., that the Governor shall appoint said board for a term of two years; that said commission shall have access to the records, laboratories, equipment of, and shall receive the co-operation of the Health Department of the

State; providing for equipment and a stenographer for said commission; that members thereof shall have power to visit insane asylums and hospitals to gain information and shall have authority under the supervision of the regular physicians of said institutions to treat epileptic or insane persons in said asylums or hospitals and said institutions shall co-operate with said commission; providing for incidental and traveling expenses; making an appropriation to carry out the purposes of this Act; and declaring an emergency."

Read first time and referred to Committee on Public Health.

(President Pro Tem. Henderson in the chair.)

Simple Resolution No. 73.

Whereas, The Secretary of the Senate persists, when calling the roll of the Senate, in designating the Senator from Dallas as if his name was "McKneelus," and

Whereas, The chances are that every time the Senator from Dallas is thus addressed his honorable ancestors turn over in their graves in dear Old Ireland; therefore be it

Resolved, That hereafter the Senator from Dallas be given the privilege of being called with his name properly accented, to wit: with the accent on the final vowel of the first syllable, as if the name of the Senator from Dallas was spelled, "McNAYLUS" and that he be so called on every roll call taken hereafter in this Senate.

HALL.

The resolution was read and on motion of Senator McNealus was adopted.

Messages From the House.

Hall of the House of Representatives, Austin, Texas, February 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

refused to engross the following bills Nos, 86 and 145.

Postponed indefinitely House Bill No. 62.

Respectfully,

BOB BARKER;

Chief Clerk, House of Representatives.

Hall of the House of Representatives, Austin, Texas, February 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House concurs in Senate amendments to House Bill No. 46.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

Simple Resolution No. 74.

Whereas, The Hon. H. P. Brelford, a distinguished ex-member of this Senate, is in the city; therefore be it

Resolved, That he be given the privileges of the floor of the Senate, and be invited to address this body.

HARLEY,

CLARK,

BUCHANAN of Scurry.

The resolution was read and adopted.

Bills Signed.

The Chair (President Pro Tem. Henderson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 47, A bill to be entitled "An Act making appropriations for the support and maintenance of the Sam Houston Normal School; the San Marcos Normal School; the Denton Normal School, and the Canyon City Normal School during the summer of 1917, and declaring an emergency."

S. B. No. 152, A bill to be entitled "An Act to authorize and empower Lamar County or any political subdivision or defined district of said county by a vote of two-thirds majority of the resident property taxpayers, qualified voters of such county, or political subdivision or defined district thereof, voting thereon to issue bonds to any amount not ex-

ceeding one-fourth of the assessed valuation of the real property of such county or of such political subdivision or defined district, and to levy and collect taxes to pay the interest on such bonds and provide a sinking fund for the redemption thereof, and for the maintenance of said roads during the life of such bonds for the purpose of construction, maintaining and operating macadamized, graveled or paved roads and turnpikes, and prescribing ways and means of conducting and supervising said work, and to repeal Chapter 3 of the Special Acts of the Thirty-first Legislature and Chapter 15 of the Special Acts of the Thirty-second Legislature and all other special road laws for Lamar County, and declaring an emergency."

S. B. No. 68, A bill to be entitled "An Act defining common carrier pipe lines engaged or to engage in the transportation of petroleum oil; declaring all corporations, persons, partnerships, or associations of persons now engaged, or to hereafter engage in transporting petroleum oil from place to place, in this State to be common carriers, declaring such common carriers to be public utilities and making them subject to the provisions of this Act; giving the Railroad Commission of Texas the power to regulate the rate of such transportation by such common carriers; granting them the right to establish, maintain, and operate telegraph and telephone line upon their rights of way in connection with their business, and to build and maintain their lines under and across or along streams, highways, and streets as other common carriers within this State; and providing against discrimination; in favor of or against individuals, associations of persons or corporations in the conduct of their business; requiring them to exchange tonnage with other common carriers, and to receive and transport petroleum oil tendered to them for transportation; empowering said Commission to make rules and regulations for their conduct; and to require the construction and maintenance by them of loading racks and transfer and delivery stations, and the transfer and delivery of petroleum from such common carrier to another, and to fix the charges therefor, and to define merchantable oil, and to fix the

amount of deduction to be made therefrom on account of water and other foreign substances, and on account of evaporation and leakage, and giving said Commission plenary power to make rules and regulations for the control of such carriers, and power to enforce their rules and regulations and the provisions of this Act; fixing penalties for the violation of this Act, and the rules and orders of said Commission; making certain violations a criminal offense, and fixing the penalty therefor, and providing means for the recovery of such penalties as are not made criminal, either by the State of Texas or the party aggrieved by such violation, naming the tribunal in which such recovery may be had; providing for the employment of an expert to assist the Commission, fixing his salary and making an appropriation therefor; levying a tax to pay such salary and other expenses; repealing all laws in conflict with this Act; providing that the invalidity of any part of this Act shall not invalidate the remaining parts hereof, and declaring an emergency."

Simple Resolution No. 75.

Be it Resolved, That the Senate sit tonight for the purpose of considering local bills only and that when the Senate recesses today it recess to meet at 8 o'clock tonight.

HUDSPETH.

The resolution was read and Senator Westbrook offered the following amendment:

Amend the resolution by adding the following: Provided, that any member may take up by unanimous consent any measure for consideration.

Senator Johnson of Hall moved to table the amendment.

The motion to table prevailed.

Action recurred on the resolution and the same was adopted.

Morning call concluded.

Senate Bill No. 237.

(Pending special order.)

The Chair laid before the Senate on its second reading,

S. B. No. 237, A bill to be entitled

"An Act to amend Chapter 179 of the General Laws of the State of Texas passed at the regular session of the Thirty-third Legislature, entitled 'An Act relating to employers' liability and providing for the compensation of certain employes and their representatives and beneficiaries, for personal injuries sustained in the course of employment, and for deaths resulting from such injuries, and to provide and determine in what cases compensation shall be paid, and to make the payment thereof more certain and prompt by the creation of an insurance association to insure and guarantee such payments and of an industrial accident board for the investigation of claims and for adjudication thereof for consenting parties, fixing the membership and powers of said board and its compensation and duties, and the method of its appointment, and the term of office of its members, and fixing also the powers, duties and liabilities of said insurance association and the extent of control over same to be exercised by the Commissioner of Banking and Insurance, and providing also for the insurance of payments of compensation to employes by certain other insurance companies and organizations, and declaring an emergency,' and declaring an emergency."

Senator Bailey offered the following amendment:

Amend Section 2 of Part I of the bill by striking out all of the words "provided, however, that the exceptions contained in this section shall not apply to electric street railways or interurban railways operated in this State," and further amend this section by inserting between the words "steam" and "railway" the words "electric street or interurban."

The amendment was read and lost by the following vote:

Yeas—14.

Bailey.	Hopkins.
Bee.	Johnston of Harris
Buchanan of Bell.	King.
Caldwell.	Lattimore.
Dayton.	McNealus.
Harley.	Robbins.
Henderson.	Suiter.

Nays—15.

Alderdice.	Clark.
Buchanan of Scurry.	Dean.

Gibson.	Parr.
Hall.	Smith.
Hudspeth.	Strickland.
Johnson of Hall.	Westbrook.
McCollum.	Woodward.
Page.	

Present—Not Voting.

Floyd.

Absent.

Decherd.

Senator Lattimore offered the following amendment:

(1) Amend the bill by striking out present Section 3a, Part I, and inserting the following:

"Sec. 3a. No employe shall be held to have waived his rights of action at common law or under any statute of this State to recover damages for injuries sustained in the course of his employment unless he shall have given to his employer at the time of his contract of hire, an agreement in writing so stipulating, or unless, if the contract of hiring was made before the employer became a subscriber the employe shall have made such written agreement within five days after such employer became such subscriber. Provided, such employe may withdraw or change such agreement at any time and provided that any employe who has not so waived his rights his legal beneficiaries and representatives shall have his or their cause of action for damages from such injuries, as now exist at common law or under the statutes of this State, subject to all defenses under such common law and statutes."

The amendment was read and adopted.

Senator Page offered the following amendment:

(2) Amend Senate Bill No. 237, in Section 23, Part III, by striking out the period after the word "conditions" and inserting a comma, and the following: "provided, that the Commissioner of Insurance and Banking before suspending or forfeiting the right or license of any company or association, shall first grant said company or association a hearing before him, after five days notice to the company or association whose right or license is sought to be forfeited."

The amendment was read and adopted.

Senator Dean moved to reconsider the vote by which Senator Bailey's amendment to S. B. No. 237 was tabled.

Pending.

Recess.

At 12:40 o'clock, on motion of Senator Dean, the Senate recessed until 2:30 o'clock today.

After Recess.

(Afternoon Session.)

The Senate was called to order by President Pro Tem. Henderson.

Senate Bill No. 237.

(Pending.)

Action recurred on the motion of Senator Dean to reconsider the vote by which Senator Bailey's amendment was tabled this morning and the motion to reconsider prevailed by the following vote:

Yeas—17.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Caldwell.	Lattimore.
Dayton.	McNealus.
Dean.	Robbins.
Floyd.	Suiter.
Harley.	

Nays—13.

Buchanan of Scurry.	Page.
Clark.	Parr.
Decherd.	Smith.
Gibson.	Strickland.
Hudspeth.	Westbrook.
Johnson of Hall.	Woodward.
McCollum.	

Present—Not Voting.

Hall.

Action then recurred upon the amendment of Senator Bailey, and the same was adopted by the following vote:

Yeas—17.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Caldwell.	Lattimore.
Dayton.	McNealus.
Dean.	Robbins.
Floyd.	Suiter.
Harley.	

Nays—13.

Buchanan of Scurry.	Page.
Clark.	Parr.
Gibson.	Smith.
Hall.	Strickland.
Hudspeth.	Westbrook.
Johnson of Hall.	Woodward.
McCollum.	

Absent.

Decherd.

Senator Bailey moved to reconsider the vote by which the amendment was adopted and table the motion to reconsider.

The motion to table prevailed.

Senator Hopkins offered the following amendment:

Amend Senate Bill No. 237 as printed in the Senate Journal, page 251, by striking out the first paragraph of Section 3, Part II, on said page, and insert in lieu thereof the following:

Sec. 3. The salaries and expenses of the Industrial Accident Board shall be paid by the State. The salary of the chairman of the Board shall be \$3,000 a year and the salary of the other members shall be \$2,500 each a year, payable in monthly installments. The board may appoint a secretary at a salary of \$2,000 a year, and may remove him at any time, furnishing him upon demand with a written statement of the cause or causes of his removal; and may appoint such clerical and other assistants as may be necessary, as may be provided by the Legislature. It shall also be allowed an annual sum, the amount to be determined by the Legislature, for clerical and other services, office equipment, traveling and all other necessary expenses. The Board shall be provided offices in the Capitol or some convenient building in the city of Austin where its records shall be kept.

Senator Hudspeth moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—16.

Bee.	Johnston of Harris
Caldwell.	Lattimore.
Clark.	McCollum.
Decherd.	Page.
Gibson.	Parr.
Hall.	Smith.
Henderson.	Strickland.
Hudspeth.	Westbrook.

Nays—12.

Alderdice.	Hopkins.
Bailey.	Johnson of Hall.
Buchanan of Bell.	King.
Buchanan of Scurry.	McNealus.
Floyd.	Robbins.
Harley.	Sulter.

Present—Not Voting.

Dean.

Absent.

Dayton.

Woodward.

Senator Lattimore offered the following amendments, which were read and adopted, being voted on separately:

(4) Amend Section 5, Part I, of the bill by striking out all of said section after the word "latter" in line 13 of said Section as same appears on page 243 of the Journal of January 29, and by substituting the following: "Provided, that in any suit so brought for exemplary damages the trial shall be de novo and no presumption shall exist that any award, ruling or finding of the Industrial Accident Board was correct; and in such suit brought by the employe or his legal heirs or representatives against such association or employer, such award, ruling or finding shall neither be pleaded nor introduced in evidence."

(5) Amend bill by striking out Section 7c of Part I, page 244.

(Senator Dayton in the chair.)

Senator Harley offered the following amendment:

Amend the bill, page 250 of the Journal, column one, by striking out all of Section 12h.

On motion of Senator Hudspeth,

the amendment was tabled by the following vote:

Yeas—17.

Bee.	Johnson of Hall.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Clark.	Smith.
Decherd.	Strickland.
Floyd.	Sulter.
Gibson.	Westbrook.
Hall.	Woodward.
Hudspeth.	

Nays—9.

Bailey.	Hopkins.
Buchanan of Bell.	King.
Dayton.	Lattimore.
Dean.	McNealus.
Harley.	

Present—Not Voting.

Robbins.

Absent.

Alderdice.

Johnston of Harris

Henderson.

McCollum.

Senator Hudspeth moved the previous question on the engrossment of the bill.

The motion being duly seconded, the main question was ordered by the following vote:

Yeas—15.

Bee.	Hudspeth.
Caldwell.	Johnson of Hall.
Clark.	Johnston of Harris.
Dayton.	Lattimore.
Dean.	Page.
Floyd.	Parr.
Gibson.	Woodward.
Hall.	

Nays—14.

Alderdice.	King.
Bailey.	McNealus.
Buchanan of Bell.	Robbins.
Buchanan of Scurry.	Smith.
Decherd.	Strickland.
Harley.	Sulter.
Hopkins.	Westbrook.

Absent.

Henderson.

McCollum.

The bill was read second time and passed to engrossment by the following vote:

Yeas—29.

Alderdice.	Bee.
Bailey.	Buchanan of Bell.

Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	Lattimore.
Dayton.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Robbins.
Gibson.	Smith.
Hall.	Strickland.
Harley.	Suiter.
Henderson.	Westbrook.
Hudspeth.	Woodward.
Johnson of Hall.	

Nays—2.

Hopkins. McNealus.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 237 put on its third reading and final passage by the following vote:

Yeas—31.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.
Hopkins.	

The bill was read third time and Senator Alderdice offered the following amendment:

Amend Section 3 of the bill by striking out the words "The salaries of the said members of the board shall be four thousand (\$4,000.00) dollars a year each, payable in monthly installments," and insert in lieu thereof the following: "The salary of the chairman of the board shall be four thousand (\$4,000.00) dollars a year and the salaries of the other two members of said board shall be three thousand (\$3,000.00) dollars a year each, all of said salaries shall be payable in monthly installments."

Senator Buchanan of Scurry offered the following substitute for the pending amendment:

Strike out second sentence in Section 3, Part II, first column, page 251 of Journal, and insert the following: "The salary of the chairman of said board shall be three thousand six hundred (\$3,600.00) dollars per annum, and the salary of each of the other members of said board shall be three thousand (\$3,000.00) dollars per annum, said salaries payable in monthly installments."

Action recurred on the substitute, and the same was lost by the following vote:

Yeas—11.

Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	King.
Clark.	Lattimore.
Floyd.	Robbins.
Harley.	Suiter.
Hopkins.	

Nays—19.

Alderdice.	Johnston of Harris.
Bee.	McCollum.
Caldwell.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Smith.
Gibson.	Strickland.
Hall.	Westbrook.
Henderson.	Woodward.
Hudspeth.	

Present—Not Voting.

Bailey.

Action then recurred upon the amendment by Senator Alderdice, and the same was lost by the following vote:

Yeas—17.

Alderdice.	Johnston of Harris.
Bailey.	King.
Buchanan of Bell.	Lattimore.
Buchanan of Scurry.	McNealus.
Dean.	Robbins.
Floyd.	Strickland.
Harley.	Suiter.
Hopkins.	Westbrook.
Johnson of Hall.	

Nays—14.

Bee.	Henderson.
Caldwell.	Hudspeth.
Clark.	McCollum.
Dayton.	Page.
Decherd.	Parr.
Gibson.	Smith.
Hall.	Woodward.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—28.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	Page.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Hall.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.

Nays—1.

McNealus.

Present—Not Voting.

Hopkins.

Absent.

Gibson.

Senator Hudspeth moved to reconsider the vote by which S. B. No. 237 was passed and table the motion to reconsider.

The motion to table prevailed.

(President Pro Tem. Henderson in the chair.)

Senate Bill No. 65.

(Special order.)

The Chair laid before the Senate on second reading:

S. B. No. 65, A bill to be entitled "An Act to prohibit the owning, or operating, or the being interested in the owning, or the operating, of any pool hall, or billiard hall, or any pool table or billiard table, for profit within the State of Texas."

The committee report, carrying amendments, was adopted.

The bill was read, and Senator Dean offered the following amendment, which was read and adopted:

Amend the bill by making Sections 2, 3 and 4 thereof to read as follows:

Sec. 2. The term "pool hall" as used herein shall mean and include any room, hall, building, tent or any kind or character of enclosure, simi-

lar or dissimilar to those named, or any enclosed open space in which or where are exhibited for hire, revenue, price, fees or gain of any kind, or for advertising purposes, or to attract the public, any pool or billiard table or tables, or any table or tables of any kind or character on which are or may be played billiards of any kind or character or any game, similar or dissimilar to the game of billiards, played with balls, cues or pins, or any similar devices; or any table or tables on which are or may be played pool, pin-pool, two-pin pool, little corporal, red, white and blue, bouchon pool, Parisian pool, high number pool, pool for 31 points, or any other kind of game similar or dissimilar to those named played with balls, cues or pins, or any similar devices; any such table or tables used or exhibited in connection with any place where goods, wares or merchandise or other things of value are sold or given away or upon which any money or other thing of value is paid, shall be regarded as a place where is exhibited the tables herein referred to for hire, revenue and gain.

Sec. 3. The habitual, actual, threatened or contemplated use of any premises, place, room, building, or part thereof, or tent, or any kind or character of enclosure, similar or dissimilar to those named, or any unenclosed open space for the purpose of exhibiting any tables of the kind and character referred to and described in this Act, shall be enjoined at the suit of either the State or any citizen thereof. Any person who may use or who may be about to use or who may aid or abet any other person in the use of any such premises or places named in this Act in violation of this Act may be made a party defendant in such suit. The Attorney General and the several district and county attorneys of this State shall institute and prosecute all suits that the Attorney General or the district or county attorney may deem necessary, to enjoin such use in violation of the terms of this Act; provided, that any citizen may institute any suit by injunction against the use of any place or premises in violation of this law by bringing such action in his own name, and such citizen shall not be

required to show that he is personally injured by the acts complained of; the procedure in all cases hereunder shall be the same as in other suits for injunction as near as may be; provided that when the suit is brought in the name of the State by any of the officers aforesaid the petition for injunction need not be verified.

Sec. 4. The importance of this legislation and the fact that this is a regular session of the Legislature at which the calendar will be in a crowded condition, creates an emergency and an imperative public necessity which requires that the constitutional rule providing that bills shall be read on three several days in each house be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Senator Page offered the following amendment, which was read:

Amend S. B. 65, on page 1, by adding after the word "table," in line 13, the following: "in any town of less population than 5,000 inhabitants."

Pending.

Bills and Resolutions.

(By unanimous consent.)

By Senators Buchanan of Bell, Westbrook, Hudspeth, Lattimore, Bailey, Hopkins and Henderson:

S. B. No. 366, A bill to be entitled "An Act requiring railroad companies and receivers of railroad companies, now or hereafter contesting in any suit in any court or in any proceeding or controversy before any tribunal, the legality or justness or reasonableness of any railroad rate, schedule of rates, or system of rates, any classifications of freight, or any rule, order or regulation, heretofore or hereafter established by the Railroad Commission of Texas, to make through certain officers certain reports to the Railroad Commission of Texas when required by said Commission, the Commission being empowered to require such reports, with respect to each shipment of freight moved wholly between points within the State over the railroads operated by such companies or receivers; prescribing penalties to be

recovered in behalf of the State for the failure or refusal of any railroad company or receiver to make any report as may be required by said Railroad Commission under this Act; declaring the liability of any railroad company or receiver for overcharges upon certain bases; providing for the recovery under certain conditions by consignors or consignees against any such railroad company or receiver of reasonable attorney's fees; providing for suits by consignors or consignees or the Attorney General to enforce rights under this Act, with the right of intervention by other parties; making the provisions of this Act, with all its rights and remedies, applicable to and available by the heirs, legal representatives, assignee or assignees of any consignor or consignee; fixing the venue in suits brought by the Attorney General in any suit or suits brought by him under this Act in Travis County, Texas; defining the term shipment; providing that overcharges collected by any railroad company or receiver shall constitute a trust fund for the benefit of persons entitled to such overcharges; limiting the provisions of this Act, as to rights, remedies and obligations, to shipments and transactions wholly within this State; prescribing that a certificate or certificates shall be furnished upon application by the Railroad Commission of Texas, certifying to the facts shown by any report or reports made under this Act, with respect to any shipment or shipments, and providing that such certificate or certificates shall be received in evidence in any suit or suits to recover overcharges and attorney's fees or overcharges without attorney's fees brought under this Act and that the same shall be prima facie evidence of the matters shown in any such report or reports, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

Senate Bill No. 219 Set as Special Order.

By unanimous consent, Senator Bailey moved that S. B. No. 219 be set as a special order for next Tues-

day at the conclusion of the morning call.

The motion prevailed by the following vote:

Yeas—27.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Clark.	Lattimore.
Dayton.	Parr.
Dean.	Robbins.
Decherd.	Smith.
Floyd.	Strickland.
Gibson.	Suiter.
Hall.	Westbrook.
Harley.	Woodward.
Henderson.	

Nays—1.

Page.

Present—Not Voting.

McNealus.

Absent.

Caldwell.

McCollum.

Senate Bill No. 242 Set as Special Order.

By unanimous consent and on request of Senator Lattimore, S. B. No. 242 was set as a special order at the conclusion of the morning call next Thursday, February 15.

Senate Bill No. 14 Set as Special Order.

By unanimous consent and on request of Senator McNealus, S. B. No. 14 was set as a special order for next Monday at the conclusion of the morning call.

Senate Bill No. 182 Set as Special Order.

By unanimous consent and on request of Senator Gibson, S. B. No. 182 was set as a special order following immediately the consideration of S. B. No. 242.

Recess.

At 5:30 o'clock p. m., on motion of Senator Dean, the Senate recessed until 8 o'clock tonight.

After Recess.

(Night Session.)

The Senate was called to order by Lieutenant Governor Hobby.

Consideration of Local Bills.

Senator Henderson moved that the calendar clerk be instructed to lay all local bills on the President's desk that he may lay them before the Senate in numerical order for consideration.

As a substitute, Senator Clark moved that the roll of the Senate be called and that each Senator as his name is called be permitted to call up a local bill for consideration.

The substitute was adopted, and the Senate proceeded in accordance therewith.

Senate Bill No. 290.

The Chair laid before the Senate on second reading:

S. B. No. 290, A bill to be entitled "An Act to amend Section 2, of An Act creating the Jourdanton Independent School District in Atoscosa County, Texas, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Bailey, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 290 put on its third reading and final passage by the following vote:

Yeas—21.

Alderdice.	Decherd.
Bailey.	Floyd.
Bee.	Hall.
Buchanan of Bell.	Henderson.
Buchanan of Scurry.	Hopkins.
Clark.	Hudspeth.
Dean.	Johnson of Hall.

Johnston of Harris Smith.
Lattimore. Strickland.
McCollum. Westbrook.
Parr.

Present—Not Voting.

Page.

Absent.

Caldwell. McNealus.
Dayton. Robbins.
Gibson. Sulter.
Harley. Woodward.
King.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—21.

Alderdice. Hopkins.
Bailey. Hudspeth.
Bee. Johnson of Hall.
Buchanan of Bell. Johnston of Harris
Buchanan of Scurry. Lattimore.
Clark. McCollum.
Dean. Parr.
Decherd. Smith.
Floyd. Strickland.
Hall. Westbrook.
Henderson.

Present—Not Voting.

Page.

Absent.

Caldwell. McNealus.
Dayton. Robbins.
Gibson. Sulter.
Harley. Woodward.
King.

Senator Bailey moved to reconsider the vote by which S. B. No. 290 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 34.

The Chair laid before the Senate on second reading:

S. B. No. 34, A bill to be entitled "An Act providing a salary for district attorneys in counties having a population of more than 100,000 of \$500 and all fees, commissions and perquisites earned by such officer and exempting such district attorney from making accounting as required by Articles 3894 to 3897, inclusive, and by other provisions of law of

such fees, commissions and perquisites, and repealing all laws fixing a maximum compensation allowed such district attorney for services rendered and repealing all laws requiring such district attorney to pay over any excess fees."

On motion of Senator Bee, the committee report, carrying with it the following committee amendment, was adopted:

(1) "Provided that the salary and fees contemplated herein shall not exceed the sum of five thousand dollars in one year."

Senator Bee offered the following amendment:

(2) Amend the bill by adding in line 15, page 1, after the word "fee," the following: "and declaring an emergency."

The amendment was read and adopted.

Senator Dean offered the following amendment, which was read and adopted:

(3) Amend by striking out all after the word "office" in line 22 down to and including all of line 27, of page 1, of the printed bill.

The bill was read second time and passed to engrossment.

On motion of Senator Bee, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 34 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice. Henderson.
Bailey. Hopkins.
Bee. Hudspeth.
Buchanan of Bell. Johnson of Hall.
Buchanan of Scurry. Johnston of Harris.
Caldwell. King.
Clark. Lattimore.
Dean. McCollum.
Decherd. Page.
Floyd. Parr.
Hall. Smith.
Harley. Westbrook.

Absent.

Dayton. Strickland.
Gibson. Sulter.
McNealus. Woodward.
Robbins.

The bill was laid before the Senate and read the third time.

Senator Dean offered the following:

Amend the caption by striking out line 10 and 11 down to and including the word "perquisites" in line 12 of the printed bill.

The amendment was read and unanimously adopted.

On motion of Senator Bee, the bill was passed by the following vote:

Yeas—24.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris.
Caldwell.	King.
Clark.	Lattimore.
Dean.	McCollum.
Decherd.	Page.
Floyd.	Parr.
Hall.	Smith.
Harley.	Strickland.

Absent.

Dayton.	Suiter.
Gibson.	Westbrook.
McNealus.	Woodward.
Robbins.	

Senator Bee moved to reconsider the vote by which S. B. No. 34 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 308.

The Chair laid before the Senate on second reading:

S. B. No. 308, A bill to be entitled "An Act creating and incorporating the Post Independent School District, in Garza County, Texas, and providing for an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Buchanan of Scurry, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 308 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Caldwell.
Bailey.	Clark.
Bee.	Dean.
Buchanan of Bell.	Decherd.
Buchanan of Scurry.	Floyd.

Hall.	Lattimore.
Harley.	McCollum.
Henderson.	Page.
Hopkins.	Parr.
Hudspeth.	Smith.
Johnson of Hall.	Strickland.
Johnston of Harris.	Westbrook.
King.	

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
McNealus.	Woodward.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
McNealus.	Woodward.

Senator Buchanan of Scurry moved to reconsider the vote by which S. B. No. 308 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 324.

The Chair laid before the Senate on second reading:

S. B. No. 324, A bill to be entitled "An Act to amend Sections 2, 8, 9, 12 and 40 of Chapter 148, Local and Special Laws of the State of Texas, passed by the Regular Session of the Thirty-third Legislature, entitled, 'An Act to authorize Fayette County or any political subdivision of said county by a vote of a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, voting thereon, to issue bonds to any amount, not exceeding one-

fourth of the assessed valuation of the real property of such county or political subdivision and to levy and collect taxes to pay the interest on such bonds and to provide a sinking fund for the redemption thereof, for the purpose of constructing, maintaining and operating macadamized, graveled or paved roads or turn-pikes and prescribing ways and means of conducting and supervising said work. And providing a method of making up tax rolls and for deposit and disbursement of said funds and regulation of traffic on said roads, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Clark, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 324 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
McNealus.	Woodward.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—25.

Alderdice.	Floyd.
Bailey.	Hall.
Bee.	Harley.
Buchanan of Bell.	Henderson.
Buchanan of Scurry.	Hopkins.
Caldwell.	Hudspeth.
Clark.	Johnson of Hall.
Dean.	Johnston of Harris.
Decherd.	King.

28—Senate.

Lattimore.
McCollum.
Page.
Parr.

Smith.
Strickland.
Westbrook.

Absent.

Dayton.
Gibson.
McNealus.

Robbins.
Suiter.
Woodward.

Senator Clark moved to reconsider the vote by which S. B. No. 324 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 13.

The Chair laid before the Senate on second reading:

H. B. No. 13, A bill to be entitled "An Act granting to the city of Austin certain land along the river front."

On motion of Senator Caldwell, the bill was passed to its third reading.

Senate Bill No. 264.

The Chair laid before the Senate on second reading:

S. B. No. 264, A bill to be entitled "An Act to authorize and permit W. A. Eastham, Duncan Eastham and Luther Eastham, Jr., as executors of and devisees under the last will of Mrs. Delha Eastham, deceased, to sue the State of Texas and the Prison Commissioners of the State of Texas, in the District Court of Walker County for damages for the breaches, if any, and failure, if any, to perform the duties and obligations, if any, arising out of the contract made between Mrs. Delha Eastham, then a widow, now deceased, and J. A. Herring, then superintendent, and J. C. Haynes, then financial agent, of the penitentiaries of the State of Texas, for the cultivation, with convict labor, of the farm of said Mrs. Delha Eastham, situated in Houston County, Texas, for the term of two years, beginning on the first day of January, A. D. 1910, and ending on the 31st day of December, A. D. 1911, which farm consists of about four thousand acres of cultivable land; and providing that no pleas of limitations shall be urged in bar of the

cause of action alleged by the plaintiffs in said suit; and providing that no execution shall issue on the judgment, if any, rendered therein, but that such judgment shall be recognized as a valid claim by the Prison Commissioners; and providing for the manner of payment thereof."

The bill was read second time and passed to engrossment.

Senate Bill No. 265.

The Chair laid before the Senate, on second reading,

S. B. No. 265, A bill to be entitled "An Act to authorize and permit B. A. Eastham to sue the State of Texas and the Prison Commission of the State of Texas in the district court of Walker County, Texas, for damages for the breaches, if any, of and the failure, if any, to perform the duties and obligations, if any, arising out of the contract made on or about the 12th day of January, A. D. 1910, between the said B. A. Eastham of the one side and J. A. Herring, as superintendent, and A. M. Barton, as financial agent, of the Texas State penitentiaries, of the other side, for the cultivation of the farm of the said B. A. Eastham on the share farm system, with convict labor, for a term of two years, commencing on January 1, A. D. 1910, and ending December 31, 1911, which said farm consists of about one thousand acres and is located in Walker County, Texas; and providing that no pleas of limitation shall be urged in bar of the cause of action alleged by the plaintiff in said suit; and providing that no execution shall issue on the judgment, if any, rendered therein, but that such judgment shall be recognized as a valid claim by the Prison Commission; and providing for the manner of payment thereof."

The bill was read second time and passed to engrossment.

Senate Bill No. 325.

The Chair laid before the Senate on second reading:

S. B. No. 325, A bill to be entitled "An Act to amend Chapter 19, Section 1, of the General Laws of the State of Texas, passed at the First

Called Session of the Thirty-fourth Legislature of the State of Texas, changing the time of holding the terms of the district court in the Twenty-third Judicial District of Texas, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hall, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 325 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
McNealus.	Woodward.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—24.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
Henderson.	Woodward.
McNealus.	

Senator Hall moved to reconsider the vote by which Senate Bill No.

325 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 224.

By unanimous consent and on request of Senator Harley, the Chair laid before the Senate on second reading:

S. B. No. 224, A bill to be entitled "An Act to amend Title 86, Chapter 4, of the Revised Civil Statutes of 1911, by adding after Article 5644 a new Article to be entitled 5644a, providing for a lien for newspaper workers in the editorial or reportorial department of any newspaper, publication, or periodical, whether it be daily or otherwise, also any solicitor, clerk or other employee in the advertising, business office of any newspaper, publication or periodical, whether it be daily or otherwise, and declaring an emergency."

On motion of Senator Harley the bill was laid on the table, subject to call.

Senate Bill No. 284.

The Chair laid before the Senate on second reading:

S. B. No. 284, A bill to be entitled "An Act creating the Barnhart Independent School District, in Irion County, Texas, and defining its boundaries, and providing for the election of a board of trustees to manage and control a public free school within said district; naming the fiscal year as to taxes, investing said district with all powers, rights and duties of independent school districts formed for free school purposes only, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hudspeth, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 284 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
McNealus.	Woodward.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
McNealus.	Woodward.

Senator Hudspeth moved to reconsider the vote by which Senate Bill No. 284 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 358.

The Chair laid before the Senate on second reading:

H. B. No. 358, A bill to be entitled "An Act to establish the Pampa Independent School District with certain boundaries, including the town of Pampa, Gray County, Texas, with all the powers and privileges of independent school districts, to manage and control the public schools

of the same, to elect trustees therefor, to levy and collect taxes for the maintenance of said schools, to issue bonds, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator Johnson of Hall, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 358 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
McNealus.	Woodward.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
McNealus.	Woodward.

Senator Johnson of Hall moved to reconsider the vote by which House Bill No. 358 was passed and table the motion to reconsider.

The motion to table prevailed.

House Bill No. 495.

The Chair laid before the Senate on second reading,

H. B. No. 495, A bill to be entitled "An Act creating the Kirbyville Independent School District in Jasper County, Texas, etc., and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to its third reading.

On motion of Senator King, the constitutional rule requiring bills to be read on three several days was suspended and House Bill No. 495 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
McNealus.	Woodward.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
McNealus.	Woodward.

Senator King moved to reconsider the vote by which House Bill No. 495 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 349.

The Chair laid before the Senate on second reading,

S. B. No. 349, A bill to be entitled "An Act to reorganize the Eighteenth Judicial District of the State of Texas, and to reorganize the Twenty-ninth Judicial District of the State of Texas, and to provide that Somervell County shall be taken from the Twenty-ninth Judicial District and transferred to the Eighteenth Judicial District of the State of Texas; and to prescribe the time for the holding of the courts in said districts, and to make all process issued or served before this Act take effect, including recognizances and bonds returnable to the terms of court in the several counties and districts as herein fixed, to validate such process, recognizances and bonds, and to validate the summoning of grand and petit jurors, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Lattimore, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 349 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Harley.	Strickland.
Henderson.	Westbrook.
Hopkins.	

Absent.

Bailey.	McNealus.
Dayton.	Robbins.
Gibson.	Sulter.
Hall.	Woodward.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	

Absent.

Dayton.	Robbins.
Gibson.	Sulter.
McNealus.	Woodward.

Senator Lattimore moved to reconsider the vote by which Senate Bill No. 349 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 336.

The Chair laid before the Senate on second reading,

S. B. No. 336, A bill to be entitled "An Act to increase the authority and duties of the commissioners court of Nueces County, Texas, and of the county commissioners of said county, to require said county commissioners to devote their time and attention to the affairs of said county, and to fix the salary for the members of said commissioners court, and repealing all laws, general and special, in conflict with the provisions of this Act, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Page, the constitutional rule requiring bills to

be read on three several days was suspended and Senate Bill No. 336 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
McNealus.	Woodward.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.
Henderson.	

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
McNealus.	Woodward.

Senator Page moved to reconsider the vote by which Senate Bill No. 336 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 330.

The Chair laid before the Senate on second reading:

S. B. No. 330, A bill to be entitled "An Act to create a Criminal District Court for the Counties of Neuces,

Kleburg, Willacy and Cameron, and to prescribe the jurisdiction thereof as a criminal court; and also conferring upon said court the power to try and determine divorce suits, to fix time for holding the terms thereof; to provide for the appointment and election of the judge thereof; to provide for the sheriff, clerk and attorney thereof, and their election; to limit and conform thereto the jurisdiction of the court of the Twenty-eighth Judicial District of the State of Texas; to conform and validate all writs, processes, bonds, recognizances and drawing of petit and grand juries of such courts to the changes made herein; and to define the jurisdiction of the district court of the Twenty-eighth Judicial District of Texas; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 330 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Henderson.
Bailey.	Hopkins.
Bee.	Hudspeth.
Buchanan of Bell.	Johnson of Hall.
Buchanan of Scurry.	Johnston of Harris
Caldwell.	King.
Clark.	McCollum.
Dean.	Page.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.

Nays—1.

Lattimore.

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
McNealus.	Woodward.

The bill was laid before the Senate, read third time and passed.

Senator Parr moved to reconsider the vote by which S. B. No. 330 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 360.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 360 put on its second reading by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	Page.
Dean.	Parr.
Decherd.	Smith.
Floyd.	Strickland.
Hall.	Westbrook.
Henderson.	

Absent.

Dayton.	McNealus.
Gibson.	Robbins.
Harley.	Suiter.
McCollum.	Woodward.

The Chair laid before the Senate on second reading:

S. B. No. 360, A bill to be entitled "An Act to amend the charter of the City of Longview, entitled 'An Act to incorporate the City of Longview and to grant it a new charter; to define its powers and to prescribe its duties and liabilities; and to declare an emergency,' as passed by the first called session of the Thirty-second Legislature of Texas, by amending Sections 8, 9 and 72 of the charter of the City of Longview by adding thereto Section 9a, providing for the appointment of a City Treasurer, fixing his salary and prescribing his powers and duties and fixing his term of office, and declaring an emergency."

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report that the bill be not printed was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Smith, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 360 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	Page.
Dean.	Parr.
Decherd.	Smith.
Floyd.	Strickland.
Hall.	Westbrook.
Henderson.	

Absent.

Dayton.	McNealus.
Gibson.	Robbins.
Harley.	Suiter.
McCollum.	Woodward.

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bailey.	Hudspeth.
Bee.	Johnson of Hall.
Buchanan of Bell.	Johnston of Harris.
Buchanan of Scurry.	King.
Caldwell.	Lattimore.
Clark.	Page.
Dean.	Parr.
Decherd.	Smith.
Floyd.	Strickland.
Hall.	Westbrook.
Henderson.	

Absent.

Dayton.	McNealus.
Gibson.	Robbins.
Harley.	Suiter.
McCollum.	Woodward.

Senator Smith moved to reconsider the vote by which S. B. No. 360 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 64.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 64, A bill to be entitled "An Act to amend Article 1162 of Chapter 3, Title 25, of the Revised Civil Statutes of 1911, conferring on corporations the power to borrow money, the purpose of the amend-

ment being to permit corporations to borrow in excess of the amount of their authorized capital stock, and to declare an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Henderson, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 64 put on its third reading and final passage by the following vote:

Yeas—22.

Bailey.	Henderson.
Bee.	Hopkins.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris
Clark.	King.
Dean.	Lattimore.
Decherd.	Parr.
Floyd.	Smith.
Hall.	Strickland.
Harley.	Westbrook.

Absent.

Alderdice.	Page.
Dayton.	Robbins.
Gibson.	Suiter.
McCollum.	Woodward.
McNealus.	

The bill was laid before the Senate, read third time and passed by the following vote:

Yeas—18.

Alderdice.	Hopkins.
Buchanan of Bell.	Hudspeth.
Buchanan of Scurry.	Johnson of Hall.
Caldwell.	Johnston of Harris
Clark.	King.
Dean.	Page.
Floyd.	Parr.
Hall.	Smith.
Henderson.	Westbrook.

Nays—6.

Bailey.	Harley.
Bee.	Lattimore.
Decherd.	Strickland.

Absent.

Dayton.	Robbins.
Gibson.	Suiter.
McCollum.	Woodward.
McNealus.	

Senator Henderson moved to reconsider the vote by which S. B. No.

64 was passed and table the motion to reconsider.

The motion to table prevailed.

Senate Bill No. 113.

(By unanimous consent.)

The Chair laid before the Senate on second reading:

S. B. No. 113, A bill to be entitled "An Act making it a misdemeanor to practice law without a license in any justice court, corporation, city or police court, county court, district court, Court of Appeals, Supreme Court, or any other court of this State; prescribing a penalty, and declaring an emergency."

Senator Harley offered the following amendment:

(1) Amend the bill, page 1, Section 1, line 14, by inserting after the word "law" and before the word "who" the words "examine abstracts, give legal opinions, file suits or represent themselves as capable of examining legal documents to determine their legality."

Senator Lattimore offered the following amendment to the pending amendment:

Amend the pending amendment by striking out the words "examining abstracts."

Senator Harley moved to table the amendment to the amendment, which motion to table was lost.

The amendment to the amendment was adopted.

The amendment as amended was then adopted.

Senator Clark offered the following amendment, which was read and on motion of Senator Westbrook was tabled:

Amend bill by striking out justice courts.

Senator Westbrook moved the previous question on the engrossment of the bill.

The motion being duly seconded, the main question was ordered.

The bill was read second time and passed to engrossment.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 113 put on its third reading and final passage by the following vote:

Yeas—19.

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Caldwell.	Lattimore.
Clark.	Parr.
Dean.	Smith.
Harley.	Strickland.
Henderson.	Westbrook.
Hopkins.	

Nays—2.

Buchanan of Scurry. Hall.

Absent.

Dayton.	McNealus.
Decherd.	Page.
Floyd.	Robbins.
Gibson.	Sulter.
McCollum.	Woodward.

The bill was laid before the Senate, read third time and, on motion of Senator Westbrook, was passed finally.

Senator Westbrook moved to reconsider the vote by which Senate Bill No. 113 was passed and table the motion to reconsider.

The motion to table prevailed.

Adjournment.

At 11 o'clock p. m., on motion of Senator Bailey, the Senate adjourned until 10 o'clock tomorrow morning.

APPENDIX.**Petitions and Memorials.**

Senator Westbrook had read a petition from his district asking that the occupation tax on medicine vendors throughout the country be placed at \$50.00.

Senator Buchanan of Scurry offered a petition protesting the drastic receivership provisions of Senate Bill No. 219.

A letter from Bangs, Texas, to the Senate was read, protesting against House Bill No. 232.

Senator Dayton offered a petition protesting against the McNealus Bill, No. 16.

Senator Johnson offered a petition from the car men of Houston opposing car shed bill.

Senator Lattimore offered a petition asking support of Car Shed Bill No. 59.

Senator Hall had read a letter from W. B. Rae, of Palacios, asking that the Sunday law remain as it is.

Opposition to the passage of the bill relating to automatic guns was shown by petition to Senator Westbrook.

Lieutenant Governor had read a letter from H. L. Tate, commanding Tom Green Camp, U. C. V., calling the attention of the Legislature to the condition of certain Confederate veterans of his camp, and asking for an increase in pensions.

Senator Bee sent up a petition from the citizens of San Antonio, asking support of Senate Bill No. 232, placing telephone companies under the jurisdiction of the Railroad Commission.

Senator Buchanan of Scurry sent up and had read a petition from Hico, Texas, opposing Senate Bills Nos. 58 and 126.

Committee Reports.

Committee Room,
Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred S. B. No. 245, A bill to be entitled "An Act to prohibit commissioners courts of any county or city commissioners or city council of any city or town, or the governing body of any other municipal corporation of this State, to create any debt against such county, city, town or other municipal corporation other than obligations payable out of the current revenues for each year, or other funds within the immediate control of such corporations, or by the issuance and sale of negotiable bonds of such municipal corporation in such manner as is now or may hereafter be provided by law; except that the commissioners court of any county, or city commissioners or city council of any city, may in the event of a public necessity therefor contract for the immediate construction or repair of any public buildings or other improvements and obligate said county, city or town to

pay for such necessary public improvements in interest bearing warrants, bearing a rate of interest not to exceed six per cent per annum, said warrants to mature serially over a period not to exceed fifteen years; and providing for a penalty for the issuance of fictitious or fraudulent warrants or the issuance of any false certificates with reference to such warrant issues,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 13, 1917.

Hon W. P. Hobby, President of the Senate:

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 7, A bill to be entitled "An Act to amend Article 7805 of Chapter 1, of Title 130, of the Revised Civil Statutes of 1911, relating to the issuance of permits to foreign corporations, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate:

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

House Bill No. 7,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

DEAN.

Committee Room,
Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 294, A bill to be entitled "An Act regulating the manner of

service of subpoenas issued in any civil or criminal action or upon any proceeding before an examining court, coroner's inquest, grand jury or before a judge hearing an application under habeas corpus, or in any case or matter where any witnesses may be summoned; authorizing the execution of such subpoena either by reading the same over the telephone, or by posting a certified copy of the same in the mails by registered letter; providing that no mileage shall be charged for the services had over the telephone, or by mail; providing that expense of telephone calls, postage and registration fees may be charged as costs; providing for personal service in event returned receipt is not received; providing that the parties, or their attorneys, or any court or grand jury may designate the method of service; providing for the making of return on such subpoena by the officer; repealing Article 3642 of the Revised Civil Statutes, 1911, and Article 527, Code of Criminal Procedure, 1911, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a minority of your Committee on Civil Jurisprudence, to whom was referred

Senate Bill No. 294,

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass.

HARLEY,
BEE.

Committee Room,
Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 258, A bill to be entitled "An Act to fix the venue of suits for damages for libel and slander,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 259, A bill to be entitled "An Act to amend Article 5598 of the Revised Civil Statutes of the State of Texas, of 1911, Title 84, Chapter 1, by providing that nothing in said title shall be construed to take away any now or heretofore existing defense to a civil action for libel, and preserving all such defenses,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee, Room,
Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 257, A bill to be entitled "An Act to amend Article 5597, of Chapter 1, Title 84, of the Revised Civil Statutes of Texas, of 1911, so as to make privileged, without proof of actual malice, fair, true and impartial accounts of all executive and legislative proceedings, including all reports and proceedings in or before legislative committees, boards of managers of public educational and eleemosynary institutions, city councils and other governing bodies of cities and towns, commissioners courts and boards of trustees of public schools,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 39, A bill to be entitled "An Act to relieve the crowded condition of the dockets of the Supreme Court by further regulating the mode in which and the conditions on which judgments of the Courts of Civil Appeals may be brought before the Supreme Court for revision, granting additional powers to the Chief Justice and Associate Justices of the Supreme Court and of the Courts of Civil Appeals, as incidental to the offices held by them; providing for compensation of certain justices of the Courts of Civil Appeals while acting as herein provided, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 275, A bill to be entitled "An Act to expedite business in the courts and to require exceptions and dilatory pleas to be presented and acted upon in such a way as not to delay the trial of causes, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 355, A bill to be entitled "An Act declaring that all bonds issued under and by virtue of the Federal Farm Loan Act, approved

by the President of the United States July 17, 1916, shall be lawful investment for all fiduciary and trust funds and may be accepted as security for all public deposits where deposits of bonds or mortgages are authorized by law to be accepted; declaring such bonds lawful investment for all funds which may be lawfully invested by guardians, administrators, trustees and receivers, for savings departments of State banks, for banks, savings banks, and trust companies chartered under the laws of Texas, for all insurance companies chartered or transacting business under the laws of Texas where investments are required or permitted, and providing that where such bonds are secured by notes or other obligations the payment of which is secured by mortgage, deed of trust or other valid lien upon real estate situated in this State, then that such bond or bonds shall be regarded for investment purposes by insurance companies as Texas securities, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GIBSON, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Insurance and Banking, to whom was referred

S. B. No. 3, A bill to be entitled "An Act to repeal Chapter 18 of the General Laws of the Thirty-first Legislature, relative to fire insurance companies, prescribing conditions for transacting business, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GIBSON, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on In-

surance and Banking, to whom was referred

S. B. No. 287, A bill to be entitled "An Act to repeal Chapter 104 of the General Laws of the Regular Session of the Thirty-third Legislature of the State of Texas, approved April 2, 1913, the same being 'An Act to amend Article 4893, Title 71, Chapter 9, of the Revised Civil Statutes of 1911, prohibiting the use of co-insurance clauses in any policy or contract of insurance covering property in this State,' and amending said Article 4893, providing that co-insurance clauses may be used in any policy or contract of insurance covering property in this State at the option of the assured, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GIBSON, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 293, A bill to be entitled "An Act to amend Article 4872, Title 71, Chapter 8, of the Revised Civil Statutes of 1911, relating to payments upon insurance policies, on real property in this State in case of a total loss by fire, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

GIBSON, Chairman.

Committee Room,
Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 341, A bill to be entitled "An Act to amend Article 4862, Title 71, Chapter 8, of the Revised Civil Statutes of the State of Texas, as amended by Chapter 108, Acts of the

Thirty-third Legislature, pertaining to insurance, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass.

GIBSON, Chairman.

Committee Room,
Austin, Texas, Feb. 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 232, A bill to be entitled "An Act declaring that every person, firm, corporation, limited partnership, joint stock association, or association of any kind whatsoever owning or operating any line, or lines of wire more than twenty-five miles in length for transmission, or transportation of telephone messages or conversations within this State to be a common carrier; declaring that the term 'telephone line,' 'telephone lines,' 'telephone company,' 'telephone companies,' as used in the bill shall be taken to mean and embrace all persons, firms, corporations, limited partnerships, joint stock associations or associations of any kind, their lessees or receivers, appointed by any court, who may now, or hereafter, own and operate, manage and control any telephone line, or lines, within this State or shall do the business or operate any line or lines of wire more than twenty-five miles in length for the transmission or transportation of telephone messages within this State; placing all such telephone lines and companies under the jurisdiction of the Railroad Commission, granting the Railroad Commission the power, and making it its duty, to establish reasonable and just rates, tariffs and regulations for the government and control of such lines providing that any party dissatisfied with any rate, rule, charge, order, act or regulation made by the Commission, or with any rate or tariff published by such telephone company, shall have his right of action in the District Court of Travis County and to appeal; providing methods for procuring evidence in such actions, and providing for the filing of all rates and tariffs by telephone lines with the Railroad Com-

mission; providing that in all trials attacking any order or act of the Commission, the burden shall be upon the plaintiff; providing that until final judgment of court the orders of the Commission shall be in effect, empowering the Commission with authority to investigate the books and papers of telephone companies subject to the provisions of this bill, and with authority to ascertain the amount of investment in any telephone line, and the indebtedness thereof, and the expense of operating the same; requiring telephone companies to fill all blanks sent out to them by the Commission for the purpose of eliciting information; empowering the Commission with authority to subpoena witnesses and enforce their attendance; requiring telephone lines to exchange facilities for conversations with other telephone lines and empowering the Commission to require the furnishing of such facilities; prohibiting discriminations; providing penalties for violation of any order of the Commission and for the manner of enforcement thereof; providing for the appointment of an expert to gather information to assist the Commission in the performance of its duties under this Act; fixing the salary and making appropriation for the payment of salary of such expert and other expenses incurred by the Commission; providing that if any provision of this Act shall be held unconstitutional, or for any other reason void, such holding shall not nullify the remaining parts of the Act, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with the following amendments:

(1) Amend the caption by striking out the word "that" in the first line.

(2) Amend the caption by striking out the words "telephone messages or conversations within this State to be common carriers," in the fifth line, and insert in lieu thereof the following: "Long distance telephone messages or conversations within this State to be a common carrier; defining long distance telephone messages and conversations; defining local telephone service; re-

serving to cities and towns the right and power to regulate and control local telephone service and the company or companies furnishing the same under the provisions of the charters of such cities or the general laws of the State."

(3) Amend Section 1 by placing the words "long distance" between the words "transportation of" and "telephone messages," appearing in line 4 of said section.

(4) Amend Section 2 by substituting in lieu of Section 2 the following:

Sec. 2. The terms "telephone line," "telephone lines," "telephone company," "telephone companies," as used herein shall be taken to mean and embrace all persons, firms, corporations, limited partnerships, joint stock associations, or associations of any kind, their lessees or receivers, appointed by any court whatsoever, that may now or hereafter own, operate, manage or control any telephone line or lines or part of any telephone line or lines within this State which are used for long distance telephone messages or conversations, and all such persons, firms, corporations, limited partnerships, joint stock associations, or associations of any kind, their lessees or receivers as shall do the business of or operate any line or lines of wires for, the transmission or transportation of long distance telephone messages within this State.

Long distance telephone messages and conversations within the meaning hereof shall include only messages and conversations between persons in different localities, for each of which messages and conversations a specific toll is charged.

Local telephone service as used herein shall be held to mean all service rendered by any telephone company for which a fixed rental for the use of the telephone or telephones is charged and without limitation by the preceding general definition shall include all telephone service other than long distance messages and conversations as the same are hereinbefore defined.

No power of regulation or supervision of telephone companies and their rates for long distance telephone messages or conversations herein granted to, and conferred

upon the Railroad Commission shall apply to local telephone service as the same is hereinabove defined except that for the purpose of informing itself in the fixing of long distance tolls and the rates to be charged for long distance telephone messages and conversations, the Railroad Commission shall have the right to examine all books and records pertaining to both the long distance and the local telephone service of any telephone company, and nothing herein contained shall ever be construed to interfere with or in any manner abridge the right and power of any city or town in Texas to regulate and control local telephone service in such city or town and the rates to be charged therefor and the company or companies furnishing the same, under the provisions of the charter of such city, or the general laws of this State, but such power and authority are hereby expressly reserved to all such cities and towns.

(5) Amend Section 3 by inserting the following in lieu of the first sentence thereof: "The Railroad Commission of the State of Texas shall, in addition to the powers and duties now conferred upon it by law, be empowered and it is hereby made its duty to establish and enforce reasonable and just long distance telephone rates and tariffs and to prescribe and enforce reasonable rules and regulations for the government and control of telephone companies in respect to the facilities furnished by them to the public for long distance telephone service."

(6) Amend Section 8 by inserting the word "facilitate" in first line between words "to" and "the"; also by striking out words "it shall" in fifth line of said section.

(7) Amend Section 11 by placing the words "long distance" before the word "conversation" in line 2; also by placing the words "long distance" before the word "rates" in line 8.

LATTIMORE, Vice Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 12, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, a minority of your Com-

mittee on Civil Jurisprudence, to whom was referred

Senate Bill No. 232,

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do not pass.

Bailey, King, Henderson, Hall.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Stock and Stockraising, to whom was referred

S. B. No. 359, A bill to be entitled "An Act to provide for the holding of an election to determine whether hogs, sheep or goats may run at large in the counties of Henderson and Anderson, of this State, during only those months of each year designated in the petition; providing that elections may be held thereunder, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Clark, Chairman; Robbins, Johnson, Buchanan of Bell, Parr, Hudspeth, Dean.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 354, A bill to be entitled "An Act to create a more efficient road system for Callahan County, making county commissioners ex officio road commissioners, prescribing their powers and duties, and providing their compensation as such road commissioners; providing for the working of county convicts on the public roads and their allowances for service; providing for the offering of rewards for escaped convicts, and for commutation of sentence for faithful service; providing for the summoning of road hands, and for the awarding of contracts to con-

struct, grade or otherwise improve roads and bridges, etc.,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

Caldwell, Chairman; Buchanan of Scurry, Gibson, Strickland, Floyd, Smith, Clark.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 366, A bill to be entitled "An Act to amend Section 10 of Chapter 36, page, 359, of Acts of the Thirty-first Legislature, approved March 15, 1909, entitled 'An Act to validate the Wichita Falls Independent School District' (and for other purposes), by repealing the last clause of Section 10 of said Act, which limits the powers and discretion of the Board of Equalization of said Independent School District in the performance of its duties, and declaring an emergency,"

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Bee, Chairman; Robbins, Buchanan of Scurry, Smith, Bailey, Alderdice, Harley, Decherd, Dayton, Lattimore, Dean, Johnson, Page.

(Floor Report.)

Senate Chamber,

Austin, Texas, Feb. 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 337, A bill to be entitled "An Act creating the Wheeler Independent School District in Wheeler County, Texas; providing for a Board of Trustees in said Independent District and conferring upon said District and its Board of Trustees all the rights, powers, privileges and duties now conferred and imposed by the General Laws of the State upon Independent School Districts

and the Boards of Trustees thereof; to provide for the election of Trustees, for the raising of revenue, issuing of bonds, building and maintaining school houses, maintaining public free schools, and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

Bee, Chairman; Robbins, Buchanan of Scurry, Smith, Bailey, Alderdice, Harley, Decherd, Gibson, Dayton, Lattimore, Dean, Johnson, Page.

(Floor Report.)

Senate Chamber,

Austin, Texas, February 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 360, A bill to be entitled "An Act to amend the charter of the City of Longview, entitled 'An Act to incorporate the City of Longview and to grant it a new charter; to define its powers and to prescribe its duties and liabilities; and to declare an emergency as passed by the First Called Session of the Thirty-second Legislature of Texas, by amending Sections 8, 9 and 72 of the charter of the City of Longview and by adding thereto Section 9a, repealing certain laws providing for the appointment of a city treasurer, fixing his salary and prescribing his powers and duties and fixing his term of office, and declaring an emergency,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Johnston of Harris, Chairman; Bee, Lattimore, McCollum, King, Hall, Page.

(Floor Report.)

Senate Chamber,

Austin, Texas, February 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 336, A bill to be entitled "An Act to increase the authority and duties of the commissioners court of Nueces County, Texas, and of the county commissioners of said county, to require said county commissioners to devote their time and attention to the affairs of said county, and to fix the salary for the members of said commissioners court, and repealing all laws, general and special, in conflict with the provisions of this Act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass and be not printed.

Parr, Chairman; Smith, Clark, Johnston of Harris.

(Floor Report.)

Senate Chamber,

Austin, Texas, February 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 349, same being a bill re-organizing the Eighteenth Judicial District of the State of Texas, and the Twenty-ninth Judicial District of the State of Texas, transferring Somervell County from the Twenty-ninth Judicial District to the Eighteenth Judicial District, prescribing times for holding court in said district and the method of procedure upon all process including recognizances, bonds, etc., and validating the Somervell grand and petit juries, repealing all conflicting laws, and declaring an emergency,

Have had the same under consideration, and beg to report the same back to the Senate with the recommendation that it do pass and be not printed.

Buchanan of Scurry, Chairman; Parr, Hall, McCollum, Dean, Henderson, Johnston of Harris.

(Floor Report.)

Senate Chamber,

Austin, Texas, February 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 495, A bill to be entitled "An Act creating the Kirbyville Independent School District in Jasper County, Texas," etc.,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

Bee, Chairman; Bailey, Lattimore, Buchanan of Scurry, Harley, Alderdice, Smith, Floyd, Gibson, Page, Johnson, Dean.

Enrolling Committee Reports.

Committee Room,

Austin, Texas, February 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 47, and find it correctly enrolled, and have this day at 2:37 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By Dean.

S. B. No. 47.

An Act making appropriations for the support and maintenance of the Sam Houston Normal Institute, the North Texas State Normal, the Southwest Texas State Normal School, and the West Texas Normal School, during the summer term of 1917, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That there be and is hereby appropriated for the support and maintenance of the normal schools of Texas during the summer term of 1917, the following sums, to wit:

For the Sam Houston Normal Institute.....	\$15,000.00
For the North Texas State Normal.....	20,000.00
For the Southwest Texas State Normal School..	15,000.00
For the West Texas Normal School.....	15,000.00

Provided that no charge for tuition be charged to students.

The Legislature now being in ses-

sion, and there being no funds available for the support and maintenance of said school during the summer term of 1917, and the fact that such appropriations have not been made and that the summer terms of said schools for the current year of 1917 must be arranged before the regular appropriation bills to be enacted by the Thirty-fifth Legislature can be prepared and passed, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 13, 1917.

Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 68, and find it correctly enrolled, and have this day at 2:37 o'clock p. m. presented same to the Governor for his approval.

SMITH, Chairman.

By McNealus.

S. B. No. 68.

An Act defining common carrier pipe lines engaged, or to engage in the transportation of petroleum oil; declaring all corporations, persons, partnerships, or associations of persons now engaged, or to hereafter engage in transporting petroleum oil from place to place in this State to be common carriers, declaring such common carriers to be public utilities and making them subject to the provisions of this Act; giving the Railroad Commission of Texas the power to regulate the rate of such transportation by such common carriers; granting them the right to establish, maintain, and operate telegraph and telephone lines upon their rights of way in connection with their business, and to build and maintain their lines under and across or along streams, highways and streets as other common carriers within this State; and providing against discrimination in favor of or against individuals, associations of persons or corporations in the conduct of their busi-

ness, requiring them to exchange tonnage with other common carriers, and to receive and transport petroleum oil tendered to them for transportation; empowering said commission to make rules and regulations for their conduct, and to require the construction and maintenance by them of loading racks and transfer and delivery stations, and the transfer and delivery of petroleum from such common carrier to another, and to fix the charges therefor, and to define merchantable oil, and to fix the amount of deduction to be made therefrom on account of water and other foreign substances, and on account of evaporation and leakage and giving said commission plenary power to make rules and regulations for the control of such carrier, and power to enforce their rules and regulations and the provisions of this Act; fixing penalties for violation of this Act, and the rules and orders of said commission; making certain violations a criminal offense and fixing the penalty therefor, and providing means for the recovery of such penalties as are not made criminal, either by the State of Texas or the party aggrieved by such violation, naming the tribunal in which such recovery may be had; providing for the employment of an expert to assist the commission, fixing his salary and making an appropriation therefor; levying a tax to pay such salary and other expenses; making this Act cumulative, providing that the invalidity of any part of this Act shall not invalidate the remaining parts hereof, and declaring an emergency.

Be It enacted by the Legislature of the State of Texas:

Section 1. Every person, firm, corporation, limited partnership, joint stock association or association of any kind whatever;

(a) Owning, operating or managing any pipe line or any part of any pipe line within the State of Texas for the transportation of crude petroleum to or for the public for hire, or engaged in the business of transporting crude petroleum by pipe line; or

(b) Owning, operating or manag-

ing any pipe line or any part of any pipe line for the transportation of crude petroleum, to or for the public for hire, and which said pipe line is constructed or maintained upon, along, over or under any public road or highway, or in favor of whom the right of eminent domain exists; or

(c) Owning, operating or managing any pipe line or any part of any pipe line or pipe lines for transportation to or for the public, for hire, of crude petroleum, and which said pipe line or pipe lines is or may be constructed, operated or maintained across, upon, along, over or under the right of way of any railroad, corporation or other common carrier required by law to transport crude petroleum as a common carrier; or

(d) Owning, operating or managing or participating in ownership, operation or management, under lease, contract of purchase, agreement to buy or sell, or other agreement or arrangement of any kind whatsoever, any pipe line or pipe lines, or part of any pipe line, for the transportation from any oil field or place of production within the State of Texas to any distributing, refining or marketing center or reshipping point thereof, within this State, of crude petroleum bought of others:

Is hereby declared to be a common carrier and subject to the provisions hereof. But the provisions of this Act shall not apply to those pipe lines which are limited in their use to the wells, stations, plants and refineries of the owner and which are not a part of the pipe line transportation system of any common carrier as above defined; nor shall such provisions apply to any property of such a common carrier which is not a part of or necessarily incident to its pipe line transportation system.

Sec. 2. It is declared that the operation of those pipe lines, to which this Act applies, for the transportation of crude petroleum, in connection with the purchase or purchase and sale of such crude petroleum, is a business in the mode of the conduct of which the public is interested, and as such is subject to regulation by law; and accordingly it is provided that from and after the expiration of thirty (30) days from the time this law takes effect the

business of purchasing, or of purchasing and selling crude petroleum, using in connection with such business a pipe line of the class subject to this Act to transport the crude petroleum so bought or sold, shall not be conducted, unless such pipe line so used in connection with such business be a common carrier within the purview of this law and subject to the jurisdiction herein conferred upon the Railroad Commission of Texas. It shall be the duty of the Attorney General to enforce this provision by injunction or other adequate remedy.

Sec. 3. The right to lay, maintain and operate pipe lines, together with telegraph and telephone lines incidental to and designed for use only in connection with the operation of such pipe lines along, across or under any public stream or highway in this State, is hereby conferred upon all persons, firms, limited partnerships, joint stock associations, or corporations coming within any of the definitions of common carrier pipe lines as hereinbefore made. Any person, firm, limited partnership, joint stock association, or corporation may acquire the right to construct pipe lines and such incidental telephone and telegraph lines along, across or over any public road or highway in this State, by filing with the Railroad Commission an acceptance of the provisions of this law, expressly agreeing in writing that in consideration of the rights so acquired it shall be and become a common carrier pipe line, subject to the duties and obligations conferred or imposed in this Act. This right to run along, across or over any public road or highway, as before provided for, can only be exercised upon condition that the traffic thereon be not interfered with, and that such road or highway be promptly restored to its former condition of usefulness, and the restoration thereof to be subject also to the supervision of the county commissioners' court or other proper local authority. And provided, that in the exercise of the privileges herein conferred, such pipe lines shall compensate the county or road district, respectively, for any damage done to such public road, in the laying of pipe lines, telegraph or tele-

phone lines, along or across the same; and nothing herein shall be construed to grant any pipe line company the right to use any public street or alley of any incorporated city or town, except by express permission from the city or governing authority thereof; and nothing herein shall be construed to permit any company to use any street or alley of any unincorporated town, except by express permission of the commissioners' court of the county in which such town is situated.

Sec. 4. The Railroad Commission shall have the power to establish and enforce rates of charges and regulations for gathering, transporting, loading and delivering crude petroleum by such common carriers in this State, and for the use of storage facilities necessarily incident to such transportation, and to prescribe and enforce rules and regulations for the government and control of such common carriers in respect to their pipe lines and receiving, transferring and loading facilities, and it shall be its duty to exercise such power upon petition by any person showing a substantial interest in the subject. No order establishing or prescribing rates, rules and regulations shall be made except after hearing and at least ten days and not more than thirty days' notice to the person, firm, corporation, partnership, joint stock association, or association owning or controlling and operating the pipe line or pipe lines affected. In the event any rate shall be filed by any pipe line and complaint against same or petition to reduce same shall be filed by any shipper, and such complaint be sustained, in whole or in part, all shippers who shall have paid the rates so filed by the pipe line shall have the right to reparation or reimbursement of all excess in transportation charges so paid over and above the proper rate as finally determined on all shipments made after the date of the filing of such complaint.

Sec. 5. Every common carrier as above defined shall exchange crude petroleum tonnage with each like common carrier and the commission shall have the power to require such connections and facilities for the interchange of such tonnage to be made at every locality reached by both pipe lines whenever a necessity therefor exists and subject to such

rates and regulations as may be made by the commission; and any such common carrier under like rules and regulations shall be required to install and maintain facilities for the receipt and delivery of crude petroleum of patrons at all points on such pipe line. No carrier shall be required to receive or transport any crude petroleum except such as may be marketable under rules and regulations to be prescribed by the commission, which they are hereby empowered and required to prescribe. The commission is also empowered and required to make rules for the ascertainment of the amount of water and other foreign matter in oil tendered for transportation, and for deduction therefor and for the amount of deduction to be made for temperature, leakage and evaporation. It is provided, however, that the recital herein of particular powers on the part of said commission shall not be construed to limit the general powers conferred by this Act. Until set aside or vacated by some decree or order of a court of competent jurisdiction, all orders of the commission as to any matter within its jurisdiction shall be accepted as prima facie evidence of their validity.

Sec. 6. Such common carriers of crude petroleum shall make and publish their tariffs under such rules and regulations as may be prescribed by said commission, and the commission shall require them to make reports and may investigate their books and records kept in connection with such business. The commission shall require of such common carrier pipe lines monthly reports, duly verified under oath, of the total quantities of crude petroleum owned by such pipe lines and of that held by them in storage for others, as also of their unfilled storage capacity, provided no publicity shall be given by the commission to the reports as to stock of crude petroleum on hand of any particular pipe line; but the commission in its discretion may make public the aggregate amounts held by all the pipe lines making such reports, and of their aggregate storage capacity. The commission shall have the power and authority to hear and determine complaints, to require attendance of witnesses, pay their expenses out of

the fund herein created, and to institute suits and sue out such writs and process as may be necessary for the enforcement of its orders.

Sec. 7. No such common carrier in its operations as such shall discriminate between or against shippers in regard to facilities furnished or service rendered or rates charged under same or similar circumstances in the transportation of crude petroleum; nor shall there be any discrimination in the transportation of crude petroleum produced or purchased by itself directly or indirectly. In this connection the pipe line shall be considered as a shipper of the crude petroleum produced or purchased by itself directly or indirectly and handled through its facilities. No such carrier in such operations shall directly or indirectly charge, demand, collect or receive from any one a greater or less compensation for any service rendered than from another for a like and contemporaneous service; provided this shall not limit the right of the commission to prescribe rates and regulations different from or to some places from other rates or regulations for transportations from or to other places, as it may determine; nor shall any carrier be guilty of discrimination when obeying any order of the commission. When there shall be offered for transportation more crude petroleum than can be immediately transported, the same shall be equitably apportioned. The commission may make and enforce general or specific regulations in this regard. No such common carrier shall at any time be required to receive for shipments from any person, firm, corporation or association of persons, exceeding three thousand barrels of petroleum in any one day.

Sec. 8. The commission, when necessary, shall make and enforce rules and regulations either general in their nature or applicable to particular oil fields for the prevention of actual waste of oil or operations in the field dangerous to life or property.

Sec. 9. Any common carrier as herein defined who shall violate any provision of this Act or who shall fail to perform any duty herein imposed or any valid order of the commission when not stayed or suspended by order of court, shall be

subject to a penalty of not less than one hundred dollars nor more than one thousand dollars for each offense, such penalty to be recoverable at suit of the Attorney General of the State of Texas in the name of the State and for its use. Such penalty may also be recorded by and for the use of any person, corporation or association of persons against whom there shall have been an unlawful discrimination as herein defined; such suit to be brought in the name of and for the use of party aggrieved and may be maintained in any court of proper jurisdiction, having due regard to the ordinary statutes of venue. For the wilful violations of the provisions herein forbidding discrimination on the part of common carriers, it is hereby provided that the owners, officers, agents or employees of such common carriers who may be guilty thereof shall be deemed guilty of a misdemeanor, each violation of such provisions shall be deemed a separate offense and upon conviction thereof the party violating same shall be fined in a sum of not less than fifty dollars nor more than one thousand dollars, and may be further punished by confinement in the county jail for not less than ten days nor more than six months.

Sec. 10. Subject to the provisions of this Act and the rules and regulations which may be prescribed by the commission, every such common carrier shall receive and transport crude petroleum delivered to it for transportation and shall so receive and transport same and perform its other duties with respect thereto without discrimination.

Sec. 11. It shall be the duty of the commission to employ an expert who shall gather information and assist the commission in the performance of its duties under this Act. The salary of this expert shall be at the rate of thirty-six hundred dollars per annum, payable in equal monthly installments. And the commission shall employ such other assistants as may be necessary. These salaries and expenses and the expenses of the hearings and investigations conducted by said commission shall be paid out of a fund to be derived from a tax of one-twentieth of one per cent of the mar-

ket value of crude petroleum produced within this State, which tax is hereby levied, and which tax shall be in addition to and collected in the same manner as the present gross receipts production tax on crude petroleum. Producers of crude petroleum are hereby required to make reports of production in the same manner and under the same penalties as for the gross production tax. The tax thus collected shall be paid into the State treasury as other revenue, and shall be paid out in warrants as other State funds. Any yearly excess of the tax over and above the requirements of the commission shall become a part of the general revenue of the State and any deficit shall be made up out of the general revenue of the State.

Sec. 12. The sum of five thousand dollars is hereby appropriated out of the general revenue of the State not otherwise appropriated for the purpose of paying the salary of the expert for the commission, and other expenses incurred by the commission hereunder until the petroleum tax becomes available.

Sec. 13. The salary of the expert for the commission shall be paid by monthly warrants drawn by the State Comptroller on the State Treasurer. Other expenses of the commission, such as traveling expenses, expenses of witnesses, stenographers and stationery, shall be paid by like warrants issued upon duly verified statements of the persons entitled, with the approval of the chairman of the commission endorsed thereon.

Sec. 14. This Act shall be cumulative of all laws of this State which are not in direct conflict herewith, regulating the control of pipe line companies or similar corporations, in this State.

Sec. 15. If any provision of this Act shall be held unconstitutional or for any other reason shall be held to be void, or if more than one provision of this Act shall be held to be void, such holding shall not have the effect to nullify the remaining parts of this Act, but the parts not so held to be void shall nevertheless remain in full force and effect.

Sec. 16. Whereas, there is no law in this State regulating corporations, persons or associations of persons engaged in the business of

transporting crude petroleum by pipe line for hire, and no law bringing persons and associations of persons so engaged in the transportation of crude petroleum by pipe lines within the definition of common carriers and public utilities, and no tribunal having jurisdiction thereof, now therefore it is hereby declared that an emergency exists creating an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days and the same is hereby suspended, and this law shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, February 13, 1917.
Hon. W. P. Hobby, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 152 and find it correctly enrolled, and have this day at 2:37 o'clock p. m., presented same to the Governor for his approval.

SMITH, Chairman.

TWENTY-EIGHTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, February 14, 1917.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. P. Hobby.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hudspeth.
Bailey.	Johnson of Hall.
Bee.	Johnston of Harris.
Buchanan of Bell.	King.
Buchanan of Scurry.	Lattimore.
Caldwell.	McCollum.
Clark.	McNealus.
Dayton.	Page.
Dean.	Parr.
Decherd.	Robbins.
Floyd.	Smith.
Gibson.	Strickland.
Half.	Suiter.
Harley.	Westbrook.
Henderson.	Woodward.
Hopkins.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Westbrook.

Petitions and Memorials.

See Appendix.

Committee Reports.

See Appendix.

Bills and Resolutions.

By Senator Parr:

S. B. No. 367, A bill to be entitled "An Act to authorize the city council, board of aldermen or other governing body of any city or town in this State, whether operating under special charter or the general law, to appropriate at the end of each fiscal year so much of the net revenues of any waterworks system or other public utility system, service or enterprise owned by said city or town as such body shall deem to the best interest of said city or town, to the payment of the sinking fund and interest on the bonded indebtedness of such system, service or enterprise; such sum so appropriated to be used for no other purpose; providing for the levy of a tax for raising such sinking fund and interest where such appropriation is insufficient as herein provided, and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senator King:

S. B. No. 368, A bill to be entitled "An Act to amend Article 6096, Chapter 1, Title 101, of the Revised Civil Statutes of the State of Texas, pertaining to partitions and authorizing the partition of any real estate, or of any interest therein, or of any mineral, coal, petroleum or gas lands, whether held in fee or by lease or otherwise, and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.